REMARKS

Claims 1-10, 24-33, 47 and 50-68 remain pending in the application, withdrawn claims 11-23, 34-46, 48 and 49 being canceled herein subsequent to a previous restriction.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 over Matsuda in view of Lincke

In the Office Action, claims 1-6, 8, 24-29, 31, 47 and 50-62 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. 2002/0133573 to Matsuda et al. ("Matsuda") in view of U.S. Patent Application Publication No. 2002/0109706 to Lincke et al. ("Lincke"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8, 24-29, 31, 47 and 50-62 recite a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service. The connectionless transport protocol is recited as being used within an intelligent messaging network that is comprised of intelligent messaging servers.

The Examiner acknowledged that "Matsuda does not specifically disclose the transport protocol used within said intelligent messaging network provides for message segmentation and reassembly without relying on either a client or server." (see Office Action, page 4). However, Applicants' Amendment filed on February 15, 2007 amended claims 1-10, 24-33, 47 and 50-68 to remove the recited "said networking services being performed without relying on either a client application and a server application" from the claims. Thus, even if Matsuda disclosed such a feature, such a feature is irrelevant to the currently pending claims.

Moreover, the reason Matsuda fails to disclose a "connectionless protocol" is that Matsuda discloses "a hypertext transfer protocol (HTTP) based method of securely sharing service information as well as user and group information is defined" in paragraph [0034]. Thus, Matsuda specifically discloses use of a connection-oriented protocol, with a teaching of a connection-oriented protocol **teaching away** from use of a connectionless transport protocol.

Moreover, the Examiner alleged that it "would be obvious to one of ordinary skill in the art to combine the teaching of Lincke with Matsuda in order to detect and correct for out-of-order or duplicate packet deliveries using UDP mechanisms as supported by Lincke" as supported by Lincke's paragraph [0159]. The Examiner's motivational statement fails to provide motivation why one of ordinary skill in the art would completely modify all of the components within Matsuda that discloses use of the connection-oriented protocol HTTP to instead use a connectionless transport protocol. The Examiner failed to provide motivation why one skilled in the art would modify **Matsuda** in the manner proposed by the Examiner.

Moreover, the Examiner provides motivation why Lincke uses a connectionless protocol "to detect and correct for out-of-order or duplicate packet deliveries" (see Office Action, page 3). However, a thorough reading of Matsuda fails to disclose use of "out-of-order or duplicate packet deliveries" that would benefit from such a modification. Thus, the Examiner's motivation is **nonsensical** in the context of Matsuda's teachings that lack "out-of-order or duplicate packet deliveries" that would benefit from the Examiner's proposed modification of Matsuda.

Moreover, the Examiner acknowledged that Lincke discloses "the RMP protocol encapsulates the message *fragments* with an RMP header and sends them through a UDP socket" at paragraph [0164] (see Office Action, page 4). The Examiner stressed Lincke's disclosure of *fragments*. However, Lincke discloses encapsulation of fragments, **not** a protocol that performs fragmentation, much less a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Moreover, Lincke discloses use of connectionless protocol, like UDP, to allow a wireless client 405 to communicate with a proxy server 180 (see Figs. 4 and 5). However, Lincke fails to disclose use of a connectionless protocol for communication between servers. Matsuda nor Lincke disclose, teach or

suggest use of a connectionless transport protocol for communications between servers, much less within an intelligent messaging network that is comprised of intelligent messaging servers, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

Matsuda in view of Lincke would still fail to disclose, teach or suggest a system and method relying on a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, with the connectionless transport protocol being used within an intelligent messaging network that is comprised of intelligent messaging servers, as recited by claims 1-6, 8, 24-29, 31, 47 and 50-62.

A benefit of a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service is, e.g., added functionality to a connectionless transport protocol. Conventionally, a connectionless transport protocol, such as UDP does not provide the reliability and ordering guarantees that TCP does. Datagrams may arrive out of order or go missing without notice. Without the overhead of checking if every packet actually arrived, UDP is faster and more efficient for many lightweight or time-sensitive purposes. Also, its stateless nature is useful for servers that answer small queries from huge numbers of clients. Compared to TCP, UDP is required for broadcast (send to all on local network) and multicast (send to all subscribers). However, with UDP's speed and efficiency for certain applications, for other applications a more robust features set is desirable. Thus, Applicants' claimed features added to a connectionless transport protocol increases reliability without the full overhead associated with TCP/IP. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-6, 8, 24-29, 31, 47 and 50-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 9, 10, 30, 32 and 33 over Matsuda in view of Lincke and Bell

In the Office Action, claims 7, 9, 10, 30, 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Matsuda in view of Lincke, and further in view of U.S. Patent No. 6,044,081 to Bell et al. ("Bell"). The Applicants respectfully traverse the rejection.

Claims 7, 9, 10, 30, 32 and 33 are dependent on claims 1 and 24 respectively, and are allowable for at least the same reasons as claims 1 and 24.

Claims 7, 9, 10, 30, 32 and 33 recite a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, with the connectionless transport protocol recited as being used within an intelligent messaging network that is comprised of intelligent messaging servers.

As discussed above, Matsuda in view of Lincke fails to disclose, teaqch or suggest a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, with the connectionless transport protocol recited as being used within an intelligent messaging network that is comprised of intelligent messaging servers, as recited by claims 7, 9, 10, 30, 32 and 33.

Bell appears to disclose a system and method for communicating a private network signaling message over a packet network and bridges for communicating a MAC layer frame over an isochronous channel (See Bell, col. 1, lines 34-38). Moreover, an isochronous signaling frame can be communicated over a nonisochronous network (See Bell, col. 1, lines 39-40). Telephony protocols and computer network protocols are cross-translated for packet based signaling (See Bell, col. 8, lines 38-46).

Thus, Bell discloses use of a computer network protocol. However, Bell simply discloses cross-translating a conventional computer network protocol to a telephony protocol. Bell fails to disclose or suggest a system and method that relies on a connectionless transport protocol while having benefits associated with TCP/IP, i.e., a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication

detection, and message ACK and NACK service, much less being used within an intelligent messaging network that is comprised of intelligent messaging servers, as recited by claims 7, 9, 10, 30, 32 and 33

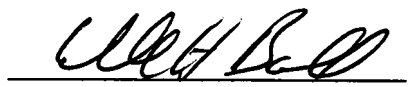
Thus, Matsuda in view of Bell would still fail to disclose or suggest a system and method relying a connectionless transport protocol that provides for message segmentation and reassembly, message retries, message duplication detection, and message ACK and NACK service, the connectionless transport protocol being used within an intelligent messaging network that is comprised of intelligent messaging servers, as recited by claims 7, 9, 10, 30, 32 and 33.

Accordingly, for at least all the above reasons, claims 7, 9, 10, 30, 32 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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